

June 14 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

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FILED

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*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

BEFORE THE COMMISSION ON PRACTICE OF THE  
SUPREME COURT OF THE STATE OF MONTANA

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IN THE MATTER OF CHRIS J. NELSON

An Attorney at Law,

Respondent.

} Supreme Court Cause No.

} ODC File No. 09-194

} ANSWER

COMES NOW, the Respondent, Chris J. Nelson, acting by and through his counsel of record, Robert L. Stephens, Jr. and for his Answer to the Complaint in the above-referenced matter respectfully states as follows:

1. Respondent admits the statements in paragraph 1 of the Complaint relating to his admission to practice and his duties to abide by the rules of professional conduct and disciplinary rules adopted by the Supreme Court.
2. Respondent acknowledges that the Montana Supreme Court has approved and adopted rules for the ethical conduct of attorneys licensed to practice in the state, as set forth in paragraph 2.
3. The Respondent admits that he was placed on inactive status, on or about June 27, 2008, for noncompliance with continuing legal education requirements, and that he was administratively suspended by the State Bar of Montana on or about July 3, 2008, for nonpayment of his dues. Respondent further admits that he did tender arrearages on his state bar dues of November of 2009.

4. Respondent admits that he did file a Petition for Reinstatement to Active Status on or about December 4, 2009, and further states that he submitted an affidavit of compliance with the CLE requirements for 2008. Respondent further states that he has filed a Notice and Request for Withdrawal of his Petition for Reinstatement to active status in the State Bar of Montana with the Montana Supreme Court.

5. The Respondent admits the allegations of paragraph 6, in that he represented clients after being placed on inactive status.

6. The Respondent acknowledges that by failing to meet the continuing legal education requirements, and failing to maintain his membership in the Montana State Bar Association, that he became ineligible to continue in the practice of law and that he knew that by failing to meet the requirements for continued licensure, that the representation of clients was a violation of the Montana Rules of Professional Conduct.

7. The Respondent asserts that there are mitigating circumstances which may vitiate against further disciplinary action which are set forth as follows.

a) That around 2004-2005, Respondent was diagnosed with prostate cancer. At the time of the diagnosis, he was without any health or medical insurance coverage and as the course of the disease progressed there were numerous medical expenses that were incurred in an effort to treat and/or manage the cancerous condition.

b) That as the disease progressed, Respondent's energy level declined and his ability to meet his continuing healthcare expenses was reduced.

c) It was not until the spring of 2010, that Respondent started receiving medicare and social security benefits including supplemental medicare coverage to help defray the cost of ongoing treatment.

d) The prognosis for Respondent's prostate cancer is terminal and current medical prognostications for life expectancy are estimated at 24 months.

8. The Respondent is requesting that he be placed on permanent inactive status in lieu of further disciplinary proceedings. The Respondent no longer maintains an office, and has no clients and is performing no legal services, nor is he otherwise engaged in the

practice of law.

WHEREFORE, Respondent prays for relief as follows:

1. That no formal hearings or proceedings be had on the allegations of the Complaint.
2. That the Respondent be allowed to be placed upon inactive status permanently without any further disciplinary proceedings.
3. That the Respondent be allowed to enter into an appropriate consent for discipline which would include *Inter alia*, a prohibition from the further practice of law.
4. Such further or other additional relief as may be deemed equitable, necessary, or proper.

DONE and DATED this 11<sup>th</sup> day of June, 2010.




Robert L. Stephens, Jr.  
Attorney for Respondent

#### CERTIFICATE OF SERVICE

I hereby certify that on this 11<sup>th</sup> day of June, 2010, I served a copy of the foregoing document on the following person by mailing a copy thereof, postage prepaid to :

Shaun R. Thompson  
Disciplinary Counsel  
P.O. Box 1099  
Helena, MT 59624-1099



Karrie L. Madill